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HOUSE BILL 528 By
Winningham

SENATE BILL 640
By Davis L

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 3, Part 3, relative to the basic education program and funding for teachers' salaries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by deleting existing Section 49-3-306 in its entirety, and by adding the following language as a new, appropriately designated section:

49-3-_____. Funding for Instructional Salaries.

(a) Notwithstanding any other provision of law to the contrary, beginning with the 2001-2002 fiscal year for each local education agency the basic education program component for professional education positions shall be the southeastern regional average instructional staff salary for the previous year.

(b) All funds appropriated pursuant to this section shall be used for professional personnel salary increases by those local education agencies that have an average instructional staff salary below the Tennessee average instructional staff salary for the previous year beginning with the 2000-2001 fiscal year. Local education agency expenditures or distributions of the funds shall be determined by negotiation, where applicable, with the professional employee organization recognized pursuant to Title 49,

Chapter 5, Part 6. It shall be a violation of this law for any local education agency to use such funds to supplant total local current operating funds.

(c) The commissioner of education shall establish and the state board of education shall approve annually state minimum salary schedules which shall determine the lowest salaries that can be paid to instructional personnel. Except however, such state minimum salary schedules shall not be used to determine the basic education program instructional personnel salary component.

(d) As part of the implementation of this section, each LEA shall establish a salary schedule for all professional education personnel that includes an established base salary for each two hundred (200) day school year. The base salary beginning point shall be a certificated teacher with a bachelor's degree and zero (0) years of teaching experience. Professional education personnel having more training and experience shall receive more than the established base salary for beginning teachers. Annually each LEA shall submit to the commissioner a report on the LEAs payment or expenditure of the salary funds. Each report shall include the amounts paid pursuant to the established annual salary schedule for the school year, supplements paid for extra duties, any additional compensation, salary or supplements paid for work beyond the two hundred (200) day school year, and all other compensation of any kind paid to professional education personnel during or after the regular school year. Each LEAs annual salary report shall be available to the public within ten (10) days of the date the reports are submitted to the commissioner. The commissioner shall be entitled to specify the form of the reports and whether additional reports or documentation will be required.

(e) No member of any LEAs professional education staff shall suffer a reduction in salary from one year to the next. The local board of education shall be allowed to adjust the salaries of one or more certificated employees when it becomes necessary for

the LEA to place one or more salaries in a fairer relationship to the salaries of other certificated personnel with comparable tenure, responsibility, training and experience. Such adjustments shall only be made after the LEA has held a public hearing with the affected personnel and reported the results of the hearing to the commissioner. Actual reductions of professional education staff salaries shall become effective only after the commissioner completes a full review of the facts and circumstances and gives written authorization for the reduction. This procedure shall not be used to reduce, modify or adjust any salary, supplement or wage that has been negotiated or protected pursuant to the provisions of Title 49, Chapter 5, Part 6.

(f) Nothing in this section shall prevent any LEA from supplementing salaries from its own local funds. Any board of education may increase the salaries, supplements and wages of its employees at any time during the course of a school year upon the basis of a new or amended contract or renegotiations, if in so doing the LEA does not exceed its budget as adopted or amended.

SECTION 2. Tennessee Code Annotated, Section 49-3-356, is amended by deleting the words and figures "seventy-five percent (75%)" in the amendatory language and by substituting instead the words and figures "seventy percent (70%)".

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.